

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOLMES ALEXANDER,

Plaintiff,

-against-

JEFFREY SCOTT GRODER; JAMES E.
DZURENDA,

Defendants.

24-CV-3857 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated at Fishkill Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983, alleging that Defendants violated his federally protected rights in connection with his state criminal proceedings in Nassau County, New York. For the following reasons, the complaint is dismissed.

Plaintiff previously submitted to this court an identical complaint in which he asserted the same claims against the same defendants. On May 20, 2024, the Court transferred that action to the United States District Court for the Eastern District of New York. *See Alexander v. Groder*, ECF 1:24-CV-3858, 5 (S.D.N.Y. May 20, 2024). Because this complaint raises the same claims, no useful purpose would be served by the litigation of this duplicate lawsuit. Therefore, this complaint must be dismissed.

In light of the Court's belief that this duplicate lawsuit was opened in error, the Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust fund account for this lawsuit.

CONCLUSION

The Court dismisses Plaintiff's complaint, without prejudice, as duplicative of the pleading in No. 24-CV-3858 (LTS), which was transferred to the United States District Court for the Eastern District of New York. All other pending matters in this case are terminated.

The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this action.

SO ORDERED.

Dated: June 10, 2024
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge